

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MONTY JONES,

Plaintiff,

ORDER

09-cv-149-bbc

v.

STATE OF WISCONSIN DIVISION OF
UNEMPLOYMENT INSURANCE,

Defendant.

On July 2, 2009, I granted plaintiff Monty Jones leave to proceed in forma pauperis on his claim that defendant State of Wisconsin Division of Unemployment Insurance denied him employment in violation of Title VII of the Civil Rights Act. Now before the court is defendant's motion to compel plaintiff to provide the defendant and the court with a valid mailing address. Defendant's motion will be granted.

When plaintiff filed this lawsuit on March 16, 2009, he was living in Madison, Wisconsin. During the course of this litigation plaintiff notified the court, first on September 21, 2009 and again on February 19, 2010, that his address had changed and he was living in Saint Paul, Minnesota. Plaintiff remained active in the prosecution of his case

until March 22, 2010, when he sent his last communication to the court showing a return address of 435 University Ave. East, St. Paul, MN 55130. Shortly after that, on April 6, 2010, an order from the court was returned undeliverable with a notation from the post office to forward mail to plaintiff at 1490 Martin Street, Madison, WI 53713-1130. Since that time however, mail sent to plaintiff at both his Madison address and his St. Paul address has been returned as "Not Deliverable as Addressed - Unable to Forward." Plaintiff's failure to communicate with the court in any way concerning his case or to even provide the court with a current mailing address for more than two months is a strong indication that he is no longer interested in prosecuting the case.

After some investigation, the court has been able to locate an address that may be valid for plaintiff. I will send plaintiff's mail which has been returned to the court to that address.

Further, I will direct plaintiff to provide a valid address to the court and show cause no later than June 10, 2010 why this case should not be dismissed with prejudice for his failure to prosecute it. If plaintiff fails to respond within the time allowed, this case will be closed.

ORDER

IT IS ORDERED that the motion of State of Wisconsin Division of Unemployment Compensation to compel plaintiff Monty Jones to provide a valid mailing address, dkt. #43, is GRANTED. Plaintiff shall provide a valid address to the court and show cause not later than June 10, 2010, why this case should not be dismissed with prejudice for lack of prosecution. If plaintiff does not respond by June 10, 2010, the clerk of court is directed to enter judgment in favor of defendant dismissing this case with prejudice.

Entered this 28th day of May, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge